

Message Text

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PAGE 01 BRUSSE 15639 042218Z
ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-12 CIAE-00
INR-07 IO-13 L-03 NSAE-00 NSC-05 EB-08 NRC-05
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FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 2944
INFO DOE WASHDC
DOE GERMANTOWN
ALL EC CAPITALS

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USEEC

PARIS ALSO FOR USOECD, VIENNA ALSO FOR USIAEA

E.O. 11652: N/A
TAGS: TECH, ENGR, EC
SUBJECT: U.S. NON-PROLIFERATION LEGISLATION: EURATOM
- RESPONSE

REF: (A) STATE 246974, (B) BRUSSELS 14694

1. MISSION HAS LEARNED THAT THE U.S. RECOMMENDATION THAT THE EC OFFICIALLY INFORM THE U.S. OF ITS WILLINGNESS TO RENEGOTIATE U.S.-EURATOM AGREEMENT FOR COOPERATION (REF A) WAS DISCUSSED BRIEFLY IN COREPER LAST WEEK. THE INITIAL REACTION OF THE MEMBER STATES WAS TO WAIT UNTIL THE U.S. LEGISLATION WAS PASSED, BUT THEY ASKED THE COMMISSION TO SUBMIT ITS RECOMMENDATIONS TO THE EC COUNCIL AND INSISTED, BY UNANIMOUS VOTE, THAT THE COMMISSION NOT COMPLY WITH THE U.S. SUGGESTION WITHOUT AUTHORIZATION FROM THE MEMBER STATES. IN ENSUING DISCUSSIONS WITH COMMISSION STAFF
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PAGE 02 BRUSSE 15639 042218Z

OFFICIALS, WE CONCLUDED THAT THERE WAS SOME MISUNDERSTANDING OF THE UNAVOIDABLE CONSEQUENCES TO EURATOM ONCE THE LEGISLATION IS PASSED IF EURATOM HAS NOT BY THEN AGREED TO RENEGOTIATE. ACCORDINGLY, WE CALLED ON MOEHLER, CHEF DE CABINET FOR COMMISSIONER BRUNNER, ON NOVEMBER 3 TO BE SURE THAT THE POTENTIAL PROBLEM WAS CLEARLY UNDERSTOOD.

2. IN THE MEETING WITH MOEHLER, WE DESCRIBED THE PERTINENT FEATURES OF THE PENDING LEGISLATION, WITH PARTICULAR EMPHASIS ON THE FACT THAT SECTION 503B WOULD PREVENT NRC FROM GRANTING ANY EXPORT LICENSE TO EURATOM UNLESS AND UNTIL THERE EXISTED AN AGREEMENT TO NEGOTIATE. WE STRESSED THAT OUR PROPOSAL WAS MOTIVATED SOLELY BY THE DESIRE TO AVOID THE INEVITABLE HIATUS THAT WOULD OCCUR DURING THE TIME BETWEEN ENACTMENT OF THE LAW AND EVENTUAL EC AGREEMENT TO NEGOTIATE. WE FURTHER STRESSED THAT WHAT WAS BEING SOUGHT WAS ONLY AN AGREEMENT TO NEGOTIATE, WITHOUT ANY PRIOR COMMITMENT ON THE PART OF EURATOM TO THE SUBSTANCE OR CONCLUSIONS OF THE NEGOTIATION. WITH REGARD TO THE POSSIBILITY THAT THE NEW BILL MAY NOT BE PASSED THIS YEAR, WE POINTED OUT THE POLITICAL ADVANTAGES OF AN EARLY FORTHCOMING EC POSITION ON RENEGOTIATION (E.G., THAT IT COULD SERVE TO FORESTALL THE INCLUSION OF MORE STRICT CRITERIA AS THE BILL IS CONSIDERED BY THE NEXT SESSION OF CONGRESS).

3. MOEHLER NOTIFIED US THAT COUNCIL APPROVAL OF AN AGREEMENT TO NEGOTIATE IS NEEDED (CONFIRMING TENTATIVE REACTION REPORTED REF (B)). HE NOTED THAT, IN A LEGAL SENSE, THE COMMISSION PROBABLY DID HAVE THE AUTHORITY TO AGREE TO NEGOTIATE BUT THAT ARTICLE 101 OF THE EURATOM TREATY REQUIRES THAT ANY SUCH NEGOTIATIONS BE DONE IN ACCORDANCE WITH DIRECTIVES FROM THE COUNCIL. LACKING SUCH DIRECTIVES, OR AT LEAST A CONSENSUS THAT COUNCIL WOULD PROVIDE THEM LIMITED OFFICIAL USE

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PAGE 03 BRUSSE 15639 042218Z

WHEN NEEDED, THE AGREEMENT TO NEGOTIATE WOULD HAVE NO SUBSTANCE. HE SAID THAT, IF ALL GOES WELL, COUNCIL APPROVAL COULD OPTIMISTICALLY BE OBTAINED BY CHRISTMAS 1977.

4. WE TOLD MOEHLER THAT WE WERE PREPARED TO RECOMMEND THAT OUR EMBASSIES IN EC COUNTRIES TALK TO HOST GOVERNMENTS ALONG LINES OF PARA 2 ABOVE IN EFFORT TO REMOVE MEMBER COUNTRY HESITATION, BUT ONLY AFTER THE COMMISSION HAS PREPARED A PROPOSAL FOR COUNCIL DECISION WHICH SUCH REPRESENTATIONS WOULD SUPPORT. MOEHLER SAID THAT HE THOUGHT THIS WOULD BE A HELPFUL MOVE AND THAT HE WOULD GET BACK WITH US IN ABOUT A WEEK WITH THE CONSIDERED COMMISSION POSITION. MORRIS

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